

1208677-Court-A-Unit
 ROBERT LEWIS, JR, ATTY
 ONE BANK OF AMERICA PLAZA
 421 FAYETTEVILLE STREET, STE 1507
 RALEIGH, NC 27601

IN RE
 JEREMY WAYNE HUMPHREYS
 133 WILDWOOD RD, APT 517
 NEWPORT, NC 28570
 SSN or Tax I.D. XXX-XX-7898

 JACKIE MARIE HUMPHREYS
 133 WILDWOOD RD, APT 517
 NEWPORT, NC 28570
 SSN or Tax I.D. XXX-XX-1785

United States Bankruptcy Court
 1760 Parkwood Boulevard
 Courtroom Room 101
 Wilson, NC 27893

Chapter 13
 Case Number: 12-08677-8-JRL

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 07/29/2013, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
 Eastern District of North Carolina
 1760-A Parkwood Blvd
 Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addresses:

Debtor(s):	Attorney:	Trustee:
JEREMY WAYNE HUMPHREYS	ROBERT LEWIS, JR, ATTY	Richard M. Stearns
133 WILDWOOD RD, APT 517	ONE BANK OF AMERICA PLAZA	1015 Conference Dr.
NEWPORT, NC 28570	421 FAYETTEVILLE STREET, STE 1507	Greenville, NC 27858
-----	RALEIGH, NC 27601	
JACKIE MARIE HUMPHREYS		
133 WILDWOOD RD, APT 517		
NEWPORT, NC 28570		

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: June 26, 2013

Richard M. Stearns
 Chapter 13 Trustee
 1015 Conference Dr.
 Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

CASE NUMBER: 12-08677-8-RDD

JEREMY WAYNE HUMPHREYS

JACKIE MARIE HUMPHREYS

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on June 10, 2013, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$600.00 PER MONTH FOR 60 MONTHS
5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before September 9, 2013 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before October 30, 2013 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
 - a. Claims to be paid directly by the Debtor:

Creditor

Collateral

Repayment Rate/Term

#7 AMERICAN '11 HONDA TO BE PAID DIRECT
HONDA FINANCE PCX125
CORP

#10 SAWYERS MISC TO BE PAID DIRECT
HOUSE OF
FURNITURE

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan. Two post-petition contractual payments shall be included in the arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments. (SEE PARAGRAPH 8 BELOW)**

<u>Creditor</u>	<u>Collateral</u>
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NONE

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
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NONE

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
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NONE

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
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NONE

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: "Abandon," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b):

#6 FORD MOTOR CREDIT, '11 FORD F-150, THE DEBTOR ABANDONS HIS INTEREST IN THE COLLATERAL. THE TRUSTEE WILL NOT PAY THIS CLAIM UNLESS A DEFICIENCY CLAIM IS FILED

#8 HYUNDAI MOTOR FINANCE, '12 HYUNDAI SONATA, THE DEBTOR ABANDONS HIS INTEREST IN THE COLLATERAL. THE TRUSTEE WILL NOT PAY THIS CLAIM UNLESS A DEFICIENCY CLAIM IS FILED

#9 MIDLAND MORTGAGE CO, 108 SHANNA DR, THE DEBTOR ABANDONS HIS INTEREST IN THE COLLATERAL. THE TRUSTEE WILL NOT PAY THIS CLAIM UNLESS A DEFICIENCY CLAIM IS FILED

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7, 8 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;

11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
#22 VININGS AT WILDWOOD	RES LEASE	ASSUME; TO BE PAID DIRECT

12. That priority claims shall be paid in full over the term of the Plan;

13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;

14. That confirmation of the Plan vests all property of the estate in the debtor(s);

15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.

16. Other Provisions: NONE

RICHARD M. STEARNS

Standing Chapter 13 Trustee

EXHIBIT 'A'

DEBTORS: JEREMY & JACKIE **CASE NUMBER:** 12-08677-8-RDD
HUMPHREYS

EMPLOYMENT:

Debtor: UNITED STATES GROSS INCOME: \$5,209.78
COAST GUARD

Spouse: VA DISABILITY \$1,339.67

Prior Bankruptcy Yes ☐ No ☒ If so, Chapter filed

cases:

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: ABANDON PROPERTY @ 108 SHANNA DRIVE / JOINT

FMV \$177,000.00

Date Purchased

Liens \$182,442.81

Purchase Price

Exemptions \$0.00

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value \$145,700.00

Description N/A

FMV

Date Purchased

Liens

Purchase Price

Exemption

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

COMMENTS:

Attorney Requested: \$3,700.00 (excluding filing fee)
Fees: Paid: \$1,880.00 (excluding filing fee)
Balance: \$1,820.00

Trustee's Recommendation: \$3,700.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$26,161.64	Pay in	\$36,000.00	Priority	100.00%
Priority	\$6,500.00	Less 8.00%	\$2,880.00	Secured	0.00%
Secured	\$0.00	Subtotal	\$33,120.00	Unsecured	100.00%
Unsecured	\$19,661.64	Req. Atty. Fee	\$1,820.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$31,300.00	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☒ No ☐

Payroll Deduction: Yes ☐ No ☒

Objection to Confirmation:

Yes ☐ No ☒

Pending:

Resolved:

Motions Filed: Yes ☐ No ☒

If so, indicate type and status:

Hearing Date:

CASE: 1208677 TRUSTEE: 54 COURT: 278
 TASK: 06-25-2013.00669389.LSA000 DATED: 06/26/2013

Court Served Electronically

Trustee	Richard M. Stearns	1015 Conference Dr. Greenville, NC 27858
Debtor	JEREMY WAYNE HUMPHREYS	133 WILDWOOD RD, APT 517 NEWPORT, NC 28570
Joint	JACKIE MARIE HUMPHREYS	133 WILDWOOD RD, APT 517 NEWPORT, NC 28570
799	000002 ROBERT LEWIS, JR, ATTY 421 FAYETTEVILLE STREET, STE 1507	ONE BANK OF AMERICA PLAZA RALEIGH, NC 27601
011	000011 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
IRS	000004 INTERNAL REVENUE SERVICE INSOLVENCY SUPPORT SERVICES	PO BOX 7346 PHILADELPHIA, PA 19101-7346
NCREV	000005 NC DEPT OF REVENUE CHAPTER 13 BANKRUPTCY	PO BOX 1168 RALEIGH, NC 27602-1168
ESC	000003 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
013	000013 ELIZABETH CITY COAST GUARD EMP CU	PO BOX 1009 ELIZABETH CITY, NC 27906
010	000010 SAWYERS HOUSE OF FURNITURE ATTN: MANAGING OR SERVICE AGENT	PO BOX 1545 ELIZABETH CITY, NC 27909-0000
022	000022 VININGS AT WILDWOOD	133 WILDWOOD RD NEWPORT, NC 28570
018	000018 OLD NAVY	PO BOX 530942 ATLANTA, GA 30353
017	000017 GEMB/LOWES	PO BOX 530914 ATLANTA, GA 30353-0914
015	000015 JC PENNEY CHAPTER 13 BANKRUPTCY	PO BOX 960090 ORLANDO, FL 32896
014	000014 AMAZON.COM CHAPTER 13 BANKRUPTCY	PO BOX 960013 ORLANDO, FL 32896-0013
023	000023 FORD MOTOR CREDIT CHAPTER 13 BANKRUPTCY	PO BOX 6275 DEARBORN, MI 48121
006	000006 FORD MOTOR CREDIT PO BOX 55000	DEPT 55953 DETROIT, MI 48255-0953
016	000016 HSBC CHAPTER 13 BANKRUPTCY	PO BOX 5238 CAROL STREAM, IL 60197-5238
009	000009 MIDLAND MORTGAGE CO.	PO BOX 26648 OKLAHOMA CITY, OK 73126-0000
007	000007 AMERICAN HONDA FINANCE CORPORATION CHAPTER 13 RECOVERY	PO BOX 168088 IRVING, TX 75016-8088
008	000008 HYUNDAI MOTOR FINANCE CHAPTER 13 BANKRUPTCY	PO BOX 650805 DALLAS, TX 75265
019	000019 USAA FEDERAL SAVINGS BANK CHAPTER 13 BANKRUPTCY	10750 MCDERMOTT FREEWAY SAN ANTONIO, TX 78288-0544
012	000012 CAPITAL ONE	PO BOX 30285 SALT LAKE CITY, UT 84130
020	000020 QUANTUM 3 GROUP	POB 788 KIRKLAND, WA 98083-0788

CERTIFICATE OF MAILING

0014

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CASE: 1208677 TRUSTEE: 54 COURT: 278
TASK: 06-25-2013.00669389.LSA000 DATED: 06/26/2013

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021 000021 QUANTUM 3 GROUP

POB 788
KIRKLAND, WA 98083-0788

26 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 06/26/2013.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON 06/26/2013 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail